

No. 11(112)-80-8Lab/13737.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Bishwa Nath Industries Ltd., Mathura Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD.

Reference No. 211 of 1977
between

THE WORKMAN AND THE MANAGEMENT OF M/S. BISHWA NATH INDUSTRIES, LTD., MATHURA ROAD, FARIDABAD.

Present:

Shri R. N. Roy, for the workmen.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/428-77/49084, dated 22nd November, 1977 the Governor of Haryana referred the following disputes between the management of M/s. Bishwa Nath Industries Ltd., Mathura Road, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the workmen are entitled to the grant of bonus for the year 1974-75 ? If so, with what details ?
2. Whether the grades and scales of the helpers, fitters, electricians, operators, welders other than the helpers should be fixed ? If so, with what details and from which date ?

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings.

On the pleadings of the parties, following issues were framed on 27th March, 1979:—

1. Whether the workmen are entitled to the grant of bonus for the year 1974-75 ? If so with what details ?
2. Whether the grades and scales of the helpers, fitters, electricians, operators, welders other than the helpers should be fixed ? If so with what details and from which date.

And the case was fixed for the evidence of the workmen. But the evidence of the management was recorded first, who examined Shri P. D. Khajanchi Accountant as MW-1 and closed their case. Then the case was fixed for the evidence of the workmen, who examined Shri R. N. Roy President of Mercantile Employees Association and closed their case. Arguments were heard. I now give my finding issuewise:—

ISSUE NO 1:

MW-1 stated that the factory was started from March 1971. The factory suffered heavy losses. He produced copy of balance sheet and audit report Exhibit M-1 to M-5. He further stated that the factory was not working at the time of giving his evidence on 5th July, 1979. He further stated that there was not a single workman on rolls of the factory. In cross examination he stated that the factory was run by vendees in the name of Industrial Breathers. He could produce a copy of sale deed.

WW-1 stated that a meeting of the union was held on 25th October, 1976 to raise the demand. Demand notice is Exhibit W-1. It was raised on the management. Letter of authority and espousal copy Exhibit W-2 was given to the Conciliation Officer containing 24 signatures. List of workers of the factory was Exhibit W-3. List of membership was Exhibit W-4. Exhibit M-5 was copy of grade of M/s. Belis and Morcum. He admitted it correct that Bishwa Nath Industries had been sold to others for the last 8-10 months. He also admitted that notification dated 28th March, 1979 for minimum wages was applicable to this factory also. Copy of notification was Exhibit M-7. I have gone through the

balance sheet of the company and find that the company was under losses during the year under reference. Moreover it is into evidence that the managements sold away Industry to some other party. Therefore, the workmen are not entitled to bonus as claimed.

ISSUE NO. 2:

Exhibit M-7 is the copy of gazette notification revising rates of minimum wages of the workmen which is linked with cost of price index. As regards the contention of the workmen that other company was paying higher grade per Exhibit W-5 has no force because each case has to be seen from different angles. There is no evidence to show that this company is quite similar to the other and they have capacity to pay. In case of loss there is no scope for any revision of scales on the higher side. Moreover it is all a futile exercise because after the reference minimum rates stand revised and the company sold away to some other party. Therefore, this issue is decided against the workman.

As per finding given by me on the issues above, I give my award that the workmen are not entitled to any relief. I order accordingly and answer the reference in these terms.

The 3rd December, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana Faridabad.

No. 1130, dated 8th December, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana Faridabad.

The 2nd January, 1981

No. 11(112)-80-8Lab/13427.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute

between the workmen and the management of M/s. Haryana Roadways, Gurgaon.

IN THE COURT OF
SHRI ISHWAR PRASAD CHAUDHRY,
PRESIDING OFFICER,
LABOUR COURT,
HARYANA, FARIDABAD.

Reference No. 6 of 1980.

between

SHRI SURAJ BHAN, WORKMAN AND
THE MANAGEMENT OF M/S. HAR-
YANA ROADWAYS, GURGAON

Present:

Shri S. K. Goswami, alongwith
workman.
Shri K. L. Piplani, for the respondent
management.

AWARD

This reference No. 6 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/GG/51-79/904, dated 9th January, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Suraj Bhan and the management of M/s. Haryana Roadways, Gurgaon. The term of reference was:—

Whether the termination of service
of Shri Suraj Bhan was justi-
fied and in order ? If not, to
what relief is he entitled ?

After receiving this reference notices were issued to the parties, who appeared and filed their pleadings. On the pleadings of the parties following issues were framed:—

1. Whether a proper and regular enquiry has been conducted by the management ? If so to what effect ? (O.P.M.)
2. Whether the termination of the services of the workman was justified and in order ? If not to what relief is he entitled ?
3. Relief.

Then the case was fixed for evidence of the parties. The parties lead their evidence. I have heard the arguments on length and give my findings as under:—

The fact of the case briefly are as under:—

Shri Suraj Bhan was appointed as a sweeper by the General Manager, Haryana Roadways, Gurgaon on 14th

October, 1968 and he was removed from service under the orders of General Manager, Gurgaon on 17th July, 1979,—vide Exhibit M-9 for being absent from duty on 10th November, 1978, 16th November, 1978 and 18th November, 1978 to 22nd November, 1978 i.e. 7 days in all and being careless on duty, which created indiscipline in the respondent roadways.

ISSUE NO. 1:

This issue deals with vires of the enquiry held against the claimant workman, by the respondent roadways. The enquiry was conducted by Shri V. S. Yadav Traffic Manager of the respondent, under the orders of Shri S. P. Singh, General Manager, respondent,—vide orders on Exhibit M-3 and the appointment order is Exhibit W-4, Exhibit M-5 is the enquiry report. Exhibit M-1 is the charge-sheet, Exhibit M-2 statement of charges. M-6 is the notice given to the workman and M-7 is its reply. Exhibit M-8 is opportunity given to the workman for personal hearing and Exhibit M-9 is the termination orders of the workman.

First of all the enquiry has been held under the C.S.R. and not I.D. Act. Anyway the enquiry is enquiry. I do not understand why the signatures of this workman are missing on the statement of Shri Bali Kumar clerk of the respondent. This statement has been recorded on the same page which has the statement of Shri Suraj Bhan as Exhibit M-11 and that of Bali Ram as M-12. Secondly, it is not understood why there is first the statement of Shri Suraj Bhan and then management witness. Secondly the statement of workman is without any suggestion even in rebuttal. The statement of Shri Sultan Singh, Traffic Manager has been recorded before the statement of workman. I feel no rules have been observed by the Enquiry Officer, for recording of statement of witnesses. The statement of Shri Sultan Singh, Traffic Manager, Suraj Bhan, and Bali Ram are on the same day, which are Exhibit M-10, M-11 and M-12, respectively. Shri Bali Ram has not been subjected to cross examination and therefore his statement should not have been taken as true. There are two copies of each documents in the proceedings of the file, which presses me to believe that the other copy was for the

workman which was never given to him. Nor is there any note in the proceedings that a copy has been given to the workman. In these circumstances I am constrained to hold that the enquiry held is not proper and justified. This issue therefore, is decided in favour of the workman and against the management.

ISSUE NO. 2:

This issue is about the justification of the termination of the services of the workman. In this regard one thing is very important. From the very beginning the workman has been crying hoarse, at the top of the voice, that Shri Sultan Singh who is Traffic Manager today at Gurgaon at one time before was in the workshop a Head Mechanic. The claimant Shri Suraj Bhan applied for leave and every time the same were rejected by him. He even has brought on record Exhibit W-1 and Exhibit W-2 which were rejected by the said Sultan Singh. In Exhibit W-5 in which he has mention in his application that this Sultan Singh marked Suraj Bhan workman absent while 16th July, 1979 and 6th May, 1979 were Sundays viz his rest days. Nothing has been enquired into or done by respondent Roadways authorities in this regard and this workman went on suffering.

Exhibit M-10 is the statement of Sultan Singh Works Manager. In this exhibit the words 10/11, 16/11, 18/11 are clearly visible to have been added later on. So this addition in the statement of Shri Sultan Singh is intentional and to fill up the lacuna left.

The allegations are that he absented from duty on 10th November, 1979, 16th November, 1979 and 18th November, 1979 to 22nd November, 1979. He says in his application to General Manager respondent Roadways that he got his leave sanctioned from 10th November, 1979 and 16th November, 1979 and from 18th November, 1979 to 22nd November, 1979. He was present but his sanctioned application for 10th and 16th November, 1979 was torn out and despite presence was marked absent for 18th November, 1979 to 22nd November, 1979 despite being present on duty. Nothing has been done said or enquiry into by the respondent on this complaint of Shri Suraj Bhan workman.

On the back of Exhibit M-3 there is a note in the hand of the Works Manager who has out-rightly rejected this application of Suraj Bhan workman. The salary of this workman for these absence have been deducted then how could he be removed from service? Two punishments cannot be inflicted for one offence. Secondly he has quite a long service record, then how could it be possible that his leaves could not be adjusted from his accounts.

I have also gone through the relevant register of attendance, there is certainly over writing in the columns of the date relevant on which this workman is shown absent. Secondly the absence is of one day each twice i.e. 10th November, 1978 and 16th November, 1978 and then from 18th November, 1978 to 22nd November, 1978. It shows that the workman remained absent continuously for five days only. For these five days also he explains that he got the leave sanction which was torn off to harm him only. Over and above this according to Exhibit M-13 the management witness Shri L. R. Chawla has also admitted that there is over writing in the attendance register. From all this, contention of the workman gets support and the benefit of doubt has also to go in favour of the workman.

Lastly where there are no standing orders of the respondent of its own the Model Standing orders are applicable. According to these the absence must of longer period than 8 days, which is not in this case.

Therefore with the above detailed discussion I hold this issue in favour of the workman and against the respondent management.

Issue Nos. 1 and 2 both have been decided against the respondent, therefore it is held that the termination of Shri Suraj Bhan sweeper, claimant workman is neither proper nor justified or in order?

Accordingly the award is sent in these terms. The workman Suraj Bhan should be reinstated with full back wages with continuity of service. No orders as to costs.

This be read in answer to this reference.

The 30th November, 1980.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court,
Haryana, Faridabad.

Endorsement No. 2252, dated the 2nd December, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court,
Haryana, Faridabad.

No. 11(112)-80-8Lab/13952.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s. Vickers India (P.) Ltd., 14/2 Mathura Road, Faridabad.

IN THE COURT OF
SHRI ISHWAR PRASAD CHAUDHRY,
PRESIDING OFFICER,
LABOUR COURT,
HARYANA, FARIDABAD.
Reference No. 19 of 1980

between
SHRI M. T. MATTAI, WORKMAN AND
THE MANAGEMENT OF M/S. VICKERS
INDIA (P) LTD., 14/2 MATHURA ROAD,
FARIDABAD.

Present:

Shri P. K. De, for the workman.
Shri D. C. Bhardwaj, for the respondent management.

AWARD

This reference No. 19 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/265-79/994, dated 9th January, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the disputes existing between Shri K. T. Mattai workman and the management of M/s. Vickers India (P) Ltd., 14/2,

Mathura Road, Faridabad. The term of the reference was:—

Whether the termination of service of Shri K. T. Mattai was justified and in order ? If not to what relief is he entitled ?

After receiving this reference notices were issued to both the parties who appeared and filed their pleadings. The brief facts of the case are as under:—

The workman Shri K. T. Mattai raised a demand through Exhibit M-4 for his re-appointment with full back wages for the period of his alleged illegal termination. He stated on 29th January, 1980 before this Court that his demand notice Exhibit M-4 be treated as his claim statement and the case was adjourned for 13th February, 1980 for filing of written statement by the respondent which was filed and the claimant did not like to file any rejoinder. Later on three issues were framed which are as under by my predecessor on 20th February, 1980:—

1. Whether this workman abandoned his services of his own accord by remaining absent ? If so, to what effect ?
2. Whether the industry is a dead industry carrying no business. If so, to what effect ?
3. Whether the termination of services of the workman is justified and in order ? If not to what relief is he entitled ?

The claimant has been admitted to have been working with the respondent since 13th June, 1977 as a turner skilled I at a salary of Rs. 348.50.

The allegations are that the claimant K. T. Mattai received a telegram from his home town about serious illness of his mother on 10th September, 1979 and he left for his home on 12th September, 1979 after getting leave sanctioned up to 26th September, 1979. He further, for information, sent a photo copy of telegramme and application to the Labour Inspector Sector 21 Faridabad also. When he came back on duty on 4th October, 1979 he was refused to be taken back on duty. He complained to the Conciliation Officer on 5th

October, 1980 and to the Labour Inspector Sector 21, Faridabad on 8th October, 1980 on which the Labour Inspector advised him to serve a demand notice and therefore this case.

The management in its written statement raised some objections of preliminary nature as well as on merits of demand notice which are identical in both almost. The said respondent industry closed on 1st September, 1979. They said that the claimant left duty without getting his leave sanctioned for more than the prescribed limit and therefore his case is of voluntary abandonment of service.

The parties adduced evidence from their sides and closed their case after thoroughly cross examining each other's witnesses. From the side of respondent only one witness Shri N. G. Datta, s/o Shri B. N. Datta who joined the respondent in September, 1979 as a part timer appeared. He stated that the factory had been closed its manufacturing in September, 1979 and he knew the claimant workman. M-1 is his appointment which bears his signatures at point "A" on it end of Shri J. D. Paliwal Works Manager of the respondent company. He says that the claimant did not get any leave sanctioned from him. M-2 is a letter written by the respondent to the workman. Exhibit M-3 is copy of telegramme which was sent to the claimant by respondent. Exhibit M-4 is demand notice of the workman, which this workman gave after 29th October, 1979 after closure of respondent company. Exhibit M-5 is copy of letter through which respondents were called by Labour Inspector on the complaint of the workman. Exhibit M-6 and M-7 are photo copies of postal envelope which contained letter Exhibit M-2 to the workman. He says that from 10th September, 1979 to 29th September, 1979 the workman did not report for duty except for that he met them once or twice before Labour Inspector or Labour Office.

From the side of the workman he appeared as his own witness and closed his case. He refuted the allegation of the management throughout. The exhibits produced by workman are W-1 telegramme of illness of his mother. Exhibit W-2 application to the Conciliation Officer, Regd.

A.D. letter is Exhibit W-3, Exhibit W-4 A.D. receipt of Exhibit W-5, Exhibit W-5 letter to Conciliation Officer, W-6 is writing of about 13 co-workmen, Exhibit W-7 to W-10 are photo copies of challans. The postal receipts are Exhibit W-11 to W-15.

ISSUE NO 1:

The workman received a telegramme from his home about his mother's serious illness on 10th September, 1979 and went after getting leave sanctioned up to 26th September, 1979 and went to his home town in Kerala State on 12th September, 1979.

The case of the management is that the factory closed its manufacturing activity since 1st September, 1979. It does not appeal because had the respondent closed its manufacturing then what for was the claimant workman with them up to 10th September, 1980 who was present admittedly on duty up to 9th September, 1980 and there was no notice of its closure of manufacturing process up to that date. Secondly the application surely was in possession of the respondents only. Secondly the worker sent a photo copy of telegramme and application for leave to Labour Office before leaving as he smelt a rat in the beginning in the intention of the respondent. The respondent say that they sent a letter to the worker through envelope Exhibit M-6 and M-7 informing him of not sanctioning of his leave. The copy of such a letter has not been produced on the file by the respondent for the reasons best known to them. Secondly it is proved without any shadow of doubt that the management received the application of leave of the workman with the copy of telegramme. There was 11th September, 1979 in between the receipt of telegramme and departure of workman to his home town. The management could easily inform him of his not getting leave sanctioned from the management. It shows that the management had something mischievous in its mind. The contention of the workman gets support that first his leave was sanctioned then when he left Faridabad his leave was rejected. That is why the management has not produced the application. I therefore decide this issue against the management

and in favour of the workman Shri K. T. Mattai, and hold that he did not absent himself rather he went on leave after getting his leave sanctioned.

ISSUE NO. 2:

About this issue the only witness Shri N. G. Datta who joined the company on 1st September, 1980 as a part-timer has stated that it closed on 1st September, 1980 which means on the day he joined it. He has not cared to mention about his position in the respondent factory. The second ground in paras 6, 7, 8 of preliminary objections and para I on merit of written statement filed by the respondent. It says in para 6 of written statement in preliminary objections (Para 6). The respondents says it is almost a dead industry. The word almost is of primary importance and it clearly means that manufacturing has not totally closed.

In para 7 of preliminary objections of W. S. the respondent again says that the industry has since been handed over to M/s. Raneo Vickers with effect from 1st September, 1979. It means that the name has only changed otherwise the same industry is running. It is a case of changing the name of the brand and that is all.

With the above discussion I decide this issue No. 2 in favour of the workman, as he has stated in his own statement also and against the respondent. The industry is still running and has not closed down. The Exhibit W-7 to W-10 produced by the worker give force to my finding.

ISSUE NO 3:

The workmen went to see his mother after receipt of a telegramme from his home in Kerala as she was ill,—vide Exhibit W-7 photo copy of telegramme. He got his leave sanctioned as he stated on oath in his own statement. There is no suggestion from the side of the respondent that he did not get the leave prior sanctioned from them and then proceed. Secondly if we see the statement of Shri N. G. Datta solitary witness of the management, he admits that he joined the respondent only on part-time basis on 1st September, 1980. Secondly he has not mentioned designation he held with the respondent. It looks funny that a

wholetimer worker i.e. K. T. Mattai turner who was regular, was to get his leave sanctioned from a part-time employee without designation. He has not mentioned that he was empowered to do so, or produced any such rules.

If we read the para 1 of preliminary objections it says that the letter informing the workman that his leave had not been sanctioned was sent to him on 14th September, 1979 and the para No. 2 of preliminary objections says that the envelope containing this letter was received back by the respondent refused by the worker on 11th September, 1980. That means 3 days before the same was sent. This para further states that a telegramme was sent to this workman on 21st September, 1979 informing him of his loss of lien with the respondent whereas he is stated to have been terminated on 27th September, 1980. Everything in this management is happening much before its occurrence. It is nothing more than magic.

The management argued that para 4 of demand notice he reported for duty on 4th October, 1980 and therefore, his termination according to clause 9 of Exhibit M-1 viz. his appointment letter. But the service of the workman was terminated on 27th September, 1980 and this order is totally wrong. With all the above discussion I find that the termination of service

of the workman Shri I. T. Mattai is wholly improper, unjustified and not in order. I have already held issue No. 1 and 2 in favour of the workman. This issue is also decided in his favour and against the management. I hold that he should be immediately reinstated by the respondent with continuity of service and be paid full back wages for his period of absence i.e. 10th September, 1979 till the date of his resuming duty with the respondents.

This award be read in answer of this reference. No order as to costs.
The 8th December, 1980.

ISHWAR PRASAD CHAUDHRY,

Presiding Officer,
Labour Court,
Haryana, Faridabad.

Endorsement No. 2371, dated the 19th December, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

ISHWAR PRASAD CHAUDHRY,

Presiding Officer,
Labour Court,
Haryana, Faridabad.

The 28th November, 1980

No. 11 (112)-80-8 Lab/12607.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act. No. VIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the Management of M/s Malevel Castings, Sector 24, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER,
LABOUR COURT, HARYANA, FARIDABAD

Reference No. 31 of 1979

between

SHRI MUSUF WORKMAN AND THE MANAGEMENT OF M/S MALEV
CASTINGS, SECTOR-24, FARIDABAD

Present—

None for the workman.
None for the management.

AWARD

This reference No. 31 of 1979 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. II/44/79/49975 dated 26th November, 1979, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Yusuf, workman and the management of M/s Malevel Castings, Sector 24, Faridabad. The term of the reference was:—

“Whether the termination of services of Shri Yusuf was justified and in order? If not, to what relief is he entitled to?”

After receiving this reference, notices were issued to both the parties. Both the parties appeared and the management filed the written statement on 15th February 1980 and the case was fixed for 22nd February, 1980 for filing of rejoinder and framing of issues. On 22nd February, 1980, both the parties prayed for a date for settlement which was granted and the case was fixed for 29th February 1980. On that day neither the workman nor his authorised representative was present but the management was present. My learned predecessor passed the *ex parte* order against the workman and the same day the *ex parte* evidence of the management was recorded. Shri V. P. Sharma, partner of the respondent management stated that the above said workman had left his services of his own accord and his other partner started his own foundry. This workman was employed by that partner. He further stated that his factory was closed since then and the award was reserved.

On 24th March, 1980, the representative of the workman filed an application for setting aside the *ex parte* order which was set aside and the notice was sent to the management for 22nd May, 1980, but the service of the notice could not be effected on the management. Then the representative of the workman was directed to file the correct address of the respondent and the case was fixed for 9th July, 1980. On that day none was present from either side. The service of the notice could not be effected on the management as the employer was not available on that new address.

In these circumstances, I feel that the workman had settled his dispute with the management and joined his services in the foundry of other partner of the respondent Company as stated by Shri V. P. Sharma. The workman is not interested to pursuing his case. I send no dispute award in this reference No order as to costs. This be read in answer of this award,

ISHWAR PRASAD CHAUDHRY

Dated the 6th November, 1980.

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 2079 dated the 10th November, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-Lab/12231.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Sat Narayan Metal Industries, Mohalla Raja Sahab, Jagadhri:—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 73 of 1978
between .

SHRI MOHMAD RAMJAN, WORKMAN AND THE MANAGEMENT OF M/S SAT NARAYAN
INDUSTRIES, MOHALLA RAJA SAHAB, JAGADHRI

Present:

Shri Hari Chand for the workman.

Shri Subhash Chander, for the management.

AWARD

This reference No. 73 of 78 has been referred to this court by the Hon'ble Governor,—*vide his order No. ID/Amb/20-78/17731*, dated 9th May, 1978, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Mohmad Ramjan, workman and the management of M/s Sat Narayan Metal Industries, Jagadhri. The term of the reference was :—

Whether termination of services of Shri Mohmad Ramjan was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference, notices as usual were sent to the parties. The parties appeared in response to the same on 29th June, 1978 filed their respective pleadings, issues were framed on the basis of same on 21st March, 1979, and the case was adjourned for the evidence of the management. The management fail to advise their evidence till 26th July, 1980 and adjournment was granted on the request of parties for settlement. The parties reached a settlement and the statement of the authorised representative of the workman has been recorded today on 31st October, 1980.

According to his statement, the workman has received Rs. 400 in full and final settlement of his dispute. No. further adjudication is required. The reference is answered and returned accordingly.

Dated the 31st October, 1980.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endst. No. 2684, dated the 3rd November, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 19th December, 1981

No. II(112)80-Lab/13165.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of Executive Engineer, Kurukshetra Division, Haryana Electricity Board Kurukshetra:—

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 293 of 1980

between

SHRIMATI RAJ KUMARI, WGRKMAN AND THE MANAGEMENT OF EXECUTIVE ENGINEER, KURUKSHETRA DIVISION, HARYANA STATE ELECTRICITY BOARD, KURUKSHETRA.

Present :—

Workman with Shri Karan Singh.

Shri S. S. Sarohi for the management.

AWARD

This reference No. 293 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide his order No. ID/FD/26-80/35905*, dated 8th July, 1980 under section 10(i)(c) of Industrial Disputes Act, 1947, existing between Shrimati Raj Kumari workman and the management of Executive Engineer, Kurukshetra Division, Haryana State Electricity Board, Kurukshetra. The term of the reference was :—

Whether termination of services of Shrimati Raj Kumari was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. On 26th November, 1980, the case was fixed for filing of rejoinder and framing of issues, when Shri S. S. Sarohi, authorised representative of the management made a statement that the respondent management had agreed to reinstate Shrimati Raj Kumari workman with her old service continuing. The period of her un-employment would be treated leave of the kind due. She can resume duty within 15 days from 26th November, 1980. This statement was duly agreed to by the workman and her authorised representative.

In view of the statement of both the parties, I hold that there is now no dispute left between the parties and answer the reference while returning the same in these terms. No order as to costs,

ISHWAR PRASAD CHAUDHRY,

Dated, the 30th November, 1980.

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 2232, dated the 1st December, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

The 22nd January, 1981

No. 9(1)81-8Lab/301.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Mechanical Movement Pvt. Ltd., Bahadurgarh:—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK
Reference No. 22 of 1980

between

SHRI LAL BACHAN RAM, WORKMAN AND THE MANAGEMENT OF M/S MECHANICAL
MOVEMENT PVT. LTD., BAHADURGARH

Present:—

Shri Rajinder Singh Dahiya along with the workman.
Shri M. M. Kaushal, for the management.

WARD

This reference No. 22 of 1980 has been referred to this court by the Hon'ble Governor, — vide his order No. SPT/2-80/5664, dated 30th January, 1980, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Lal Bachan and the management of M/s Mechanical Movement Pvt. Ltd., Bahadurgarh. The term of the reference was:—

“Whether the termination of services of Shri Lal Bachan is justified and in order? If not, to what relief is he entitled?”

On the receipt of the order of reference, notices as usual were sent to be parties who appeared in response to the same on 30th April, 1980. The workman filed the claim statement and the case was then fixed for filing of the written statement by the management on 12th June, 1980. The management filed the written statement along with some documents to be admitted and denied by the workman who appeared on 21st August, 1980 and made his statement as under:—

“I have received my legal dues from the management and a sum of Rs 150 as *ex gratia* in token of full and final settlement of all my claims including the right of re-employment. Now no dispute remains to be settled against the management. The award may be passed accordingly.”

In view of his statement no further proceedings are called for and reference is returned in terms of the statement made by the workman on 21st August, 1980. No order as to costs.

Dated the 20th December, 1980.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 114, dated 1st January, 1981.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.
H. L. GUGNANI, Secy.